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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 1371.1**Effective Date: November 26,
1997Expiration Date: February 21,
2008[Printable Format \(PDF\)](#)

Subject: Requests For Waivers Of The Residence Abroad Requirements For Exchange Visitors Sponsored By NASA Contractors And Grantees w/Change 1 (Revalidated February 24, 2003)

Responsible Office: Export Control & Interagency Liaison Division[| TOC](#) | [Change](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [ALL](#)

Chapter 1: Background

1.1. National Policy.

National policy regarding certain foreign nationals in the United States on the J-1 Exchange Visitor Program is to require that they return to their home country for a period of two years upon expiration of their approved exchange program. Requests for waivers to this policy should be considered in light of this policy and, therefore, minimized. However, NASA, as an interested U.S. Government agency, may request a waiver of the 2-year residence abroad requirement on behalf of an alien whose work under a NASA contract, grant, or cooperative agreement has been and would continue to be of significant importance to NASA and the Nation's aeronautics or space program.

1.2. Residence Abroad Requirement.

Under the Mutual Educational and Cultural Exchange Program, the Department of State is authorized to provide for interchanges on a reciprocal basis between the United States and other countries of students, trainees, teachers, guest instructors, professors, and leaders in fields of specialized knowledge or skill (22 U.S.C. Section 2452). An exchange visitor so admitted to the United States (1) whose participation in the U.S. program was financed in whole or part directly or indirectly by a U.S. Government agency or by the government of the country of his or her nationality or his or her last residence, or (2) who, at the time of admission or acquisition of exchange visitor status was a national or resident of a country designated by the Director of the Department of State as clearly requiring the services of persons engaged in a specialized field in which the alien was engaged, is not eligible to apply for a visa as an immigrant or temporary worker, or for an adjustment of status until it is established that the visitor has resided and has been physically present in the country of his or her nationality or his or her last residence, for an aggregate of at least 2 years following departure from the United States. The purpose of this requirement is to ensure that foreign nations, participating in the exchange visitor program, receive at least the initial benefit of the exchange visitor's experiences in the U.S.

1.3. Waivers of the Residence Abroad Requirement.

There are several ways to obtain waivers to the residence abroad requirement. The way addressed in this NPR is a waiver based on a the request of an interested Government agency. The Department of State may also recommend a waiver in an instance where the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien (8 U.S.C. Section 1182(e)).

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